



Office of the Governor of Guam

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Office of the People's Speaker
vicente (ben) c. pangelinan

MAY 11 2004

TIME: 5:07 () AM () PM
RECEIVED BY: [Signature]

Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

11 MAY 2004

The Honorable Vicente C. Pangelinan
Speaker
I Mina' Bente Siete Na Liheslaturan Guåhan
Twenty-Seventh Guam Legislature
155 Hesler Street
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 183 (COR), "AN ACT TO ADD SUBSECTION 61616(1) AND SECTION 61526 TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO PROVIDE AN EXCEPTION FOR NONCONFORMING BUILDINGS AND NONCONFORMING USE OF LAND; AND TO REPEAL AND REENACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOATATED, RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE," which I signed into law on May 6, 2004 as Public Law 27-91.

Sins eru yan Magåhet,

[Signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

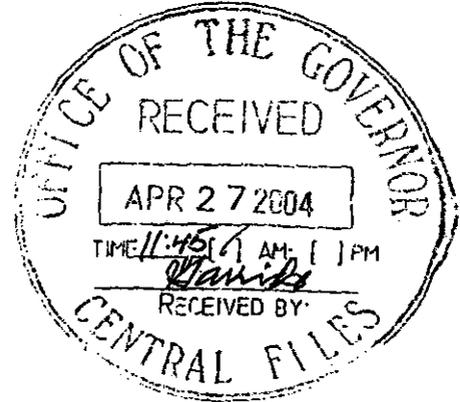
cc: The Honorable Tina Rose Muña-Barnes
Senator and Legislative Secretary



MINA' BENTE SIETE NA LIHESLATURAN GUAHAN
TWENTY-SEVENTH GUAM LEGISLATURE
155 Hessler Place, Hagåtña, Guam 96910

April 27, 2004

The Honorable Felix P. Camacho
I Maga'lahen Guahan
Ufisinan I Maga'lahi
Hagåtña, Guam 96910



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 178(LS), 193(COR), 256(LS), 261(LS) and 277(COR), and Substitute Bill Nos. 17(LS), 115(COR), 119(COR), 146(LS), 172(LS), 175(LS), 177(LS), 183(COR), 220(COR), 230(LS), 231(LS), 249(COR), 255(LS) and 258(LS) which were passed by *I Mina' Bente Siete Na Liheslaturan Guahan* on April 23, 2004.

Sincerely,


TINA ROSE MUÑA BARNES
Legislative Secretary

Enclosures (19)

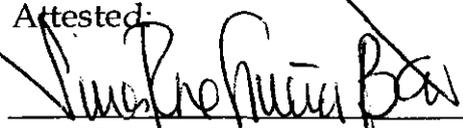
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I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

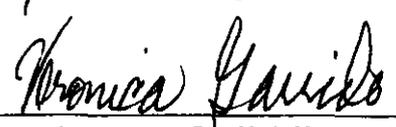
This is to certify that **Substitute Bill No. 183 (COR), "AN ACT TO ADD SUBSECTION 61616(I) AND SECTION 61526 TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO PROVIDE AN EXCEPTION FOR NONCONFORMING BUILDINGS AND NONCONFORMING USE OF LAND; AND TO REPEAL AND REENACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE,"** was on the 23rd day of April, 2004, duly and regularly passed.

Attested:


Tina Rose Muña Barnes
Senator and Legislative Secretary


vicente (ben) c. pangelinan
Speaker

This Act was received by *I Maga'lahaen Guåhan* this 27 day of April, 2004,
at 11:45 o'clock A..M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: May 6, 2004

Public Law No. 27-91

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN
2003 (FIRST) Regular Session

Bill No. 183 (COR)

As amended by the Committee on
Utilities and Land, and further substituted
and amended on the Floor.

Introduced by:

J. M. Quinata
v. c. pangelinan
R. J. Respicio
F. B. Aguon, Jr.
J. M.S. Brown
F. R. Cunliffe
C. Fernandez
Mark Forbes
L. F. Kasperbauer
R. Klitzkie
L. A. Leon Guerrero
J. A. Lujan
T. R. Muña Barnes
Toni Sanford
Ray Tenorio

AN ACT TO *ADD* SUBSECTION 61616(l) AND SECTION 61526 TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO PROVIDE AN EXCEPTION FOR NONCONFORMING BUILDINGS AND NONCONFORMING USE OF LAND; AND TO *REPEAL* AND *REENACT* PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*
3 finds and recognizes that Guam’s Zoning Law includes various standards
4 regarding building setbacks from the property line and other physical
5 characteristics of development. There are occasions when the strict
6 application of certain standards may be inappropriate because of special
7 circumstances regarding the property.

8 The variance procedure is intended to permit variations from the
9 normal zoning regulation in cases where special or extraordinary
10 circumstances occur at the property which prevent practical
11 accommodation of the basic land use intended for the zone.

12 A minor setback variance as construed within this Act, is a variance
13 in connection with the location of a residential structure within a zone. In
14 the case of minor variances, the Guam Chief Planner along with the
15 Agency Review Committee hears and reviews an application
16 recommending to the Guam Land Use Commission their findings. This
17 procedure was implemented to streamline and simplify applications before
18 the Guam Land Use Commission. However, the application process may
19 consume ninety (90) to one hundred eighty (180) days for a decision to be
20 rendered from the Guam Land Use Commission. This time requirement
21 imposes undue hardship to a simple residential homeowner who may
22 spend, at a minimum, Five Hundred Dollars (\$500.00) to several thousand
23 dollars to administratively process an application, meeting all statutory
24 requirements not knowing whether the application will receive favorable
25 consideration from the Guam Land Use Commission.

1 This Act enables the Director of the Department of Land
2 Management to have discretionary authority in the approval of minor
3 setback variances involving residential uses. A specialized technical level
4 of review involving land use planning techniques is applied which thus
5 streamlines the variance process.

6 Residential uses have synonymous setback requirements that are
7 common throughout the various zones. Hence, the granting of a minor
8 variance to allow the suitable location of a structure where practical
9 difficulties exist due to special circumstances applicable to the property,
10 including size, shape, topography, location or surroundings, in most
11 circumstances, may only affect a neighbor closest to the property line
12 where the variance is applied. This Act is sensitive to this matter and
13 requires an applicant to obtain consent from such neighbors prior to an
14 action.

15 The granting of a minor variance does not permit a different land use
16 than normally permitted in the applicable zoning district. Rather, the
17 intent is to provide for discretion and flexibility where the strict
18 interpretation of the Guam Zoning Law may result in the practical
19 difficulty or an unnecessary hardship to carry out the spirit and purpose of
20 Guam's Zoning Law.

21 *I Liheslaturan Guåhan* further finds that after Typhoons *Chata'an* and
22 *Pongsona*, close to fifty (50) residential setback variances were submitted
23 and are awaiting action by the Guam Land Use Commission. Most of the
24 residential setback variance requests could be ascertained upon the passage
25 of this Act. The multitude of variance applications was stimulated by

1 appraisal reports determining that the setbacks were inconsistent with the
2 intent of the Guam Zoning Law. Most of the inconsistencies resulted from
3 boundary realignments, structural placement errors by contractors, an
4 extension encroaching onto the setbacks, or through building inspection
5 oversights resulting in an encroachment. A nonconforming use
6 determination from an appraiser's report, resulting in a setback
7 encroachment, will prevent a lending institution, including the Small
8 Business Administration, from issuing a loan. Many residential owners
9 who are seeking Federal Emergency Management Agency assistance for
10 damages sustained from Typhoons *Chata'an* and *Pongsona* and referred to
11 the Small Business Administration are hindered from further assistance
12 resulting by a nonconforming use determination appearing within an
13 appraiser's report.

14 It is the intent of *I Liheslaturan Guåhan* to allow for the streamlining of
15 minor residential setback variances which imposes undue hardship to a
16 residential owner.

17 *I Liheslaturan Guåhan* also finds that the Guam Land Use Commission
18 has been assessing fees for the filing of land use applications adopted since
19 the Tenth Guam Legislature. *I Liheslaturan Guåhan* further finds that the
20 fees are antiquated and is not an accurate representation of the correct cost
21 outlay. This Act repeals and reenacts that provision and authorizes the
22 Guam Land Use Commission to establish a new fee schedule following the
23 Administrative Adjudication Act.

24 **Section 2.** A new Subsection (l) is *added* to §61616 of Chapter 61 of
25 Title 21 of the Guam Code Annotated, to read:

1 “(1) Notwithstanding other provisions within this Section, establish
2 guidelines through resolution to permit the Director of the
3 Department of Land Management, with advisement from the Guam
4 Chief Planner, to utilize his discretion in approving minor yard
5 setback variances specifically for single family residential dwellings
6 or any accessory structure of a residential use which, at a minimum,
7 satisfies the following requirements:

8 (1) The variance is for not more than three (3) feet
9 beyond the setback requirement of only one (1) yard (side,
10 front, or rear) to allow the suitable location of a structure where
11 practical difficulties exist due to special circumstances
12 applicable to the building or property, including size, shape,
13 topography, location or surroundings, depriving such property
14 of privileges enjoyed by other property in the vicinity and
15 under identical zoning classification consistent with the general
16 welfare of the adjacent neighbors.

17 (2) The granting of the variance does not authorize a
18 use or activity which is not authorized by the zone regulations
19 governing the parcel or property.

20 (3) Water runoff from the roof line of any structure
21 shall not encroach beyond the property line of a parcel.

22 (4) No encroachment onto an area engrossed by a grant
23 of easement shall occur.

24 (5) Concurrence from the adjacent property owners
25 located along the property line closest to the setback

1 encroachment shall be obtained.

2 (6) Real property chattels or any transient residential
3 accommodations including breakfast inns, motels or hotels are
4 not considered as residential dwellings for the purpose of this
5 Subsection.

6 (7) No other setback variance shall be granted by the
7 Commission on the parcel affected by a grant of variance
8 through this Subsection. The physical removal of any structure
9 or a portion thereof approved through this Subsection shall
10 void the restrictions imposed by this Subsection.

11 (8) The Department shall notify all contiguous
12 property owners of the proposed minor yard setback variance.
13 Upon notification by the Department, the property owners
14 shall have thirty (30) days to submit written objections to the
15 Director.”

16 **Section 3. Exception for Restoration of Minimum Yard and Lot**
17 **Area Table.** A new §61526 is hereby *added* to Part 3 of Chapter 61 of Title
18 21 of the Guam Code Annotated, to read:

19 “§61526. **Exception for Nonconforming Buildings and the**
20 **Nonconforming Use of Land.** (a) Any building or structure
21 constructed on a Single Family (R-1) Zone during the period of
22 November 1991 through June 1997 and not meeting the Yard and Lot
23 Area Table set forth in §61501 of this Chapter shall be deemed as a
24 legal nonconforming building and continue as a legal nonconforming
25 use of the land under its designated zone.

1 (b) The property owners or authorized representative shall bear
2 the burden of proof that the building or structure was constructed
3 sometime during the period of November 1991 through June 1997.
4 The Guam Chief Planner shall verify and ascertain the eligibility of
5 the building or structure as a legal nonconforming building and
6 submit his findings to the Director for action. The Director, within
7 five (5) working days, shall record a Notice of Action document of his
8 determination.

9 (c) The interpretation and application of §61526(a) shall be held
10 to be the minimum requirement subject to all other provisions within
11 this Chapter prior to the enactment of Public Law 24-51."

12 **Section 4.** Part 5 of Chapter 61 of Title 21 of the Guam Code
13 Annotated, is hereby *repealed* and *reenacted* to read as follows:

14 **"Part 5**

15 **Fees**

16 **§61660. Filing Fees.** The Commission shall establish a
17 schedule of fees required for the filing of any application or for any
18 services provided to carry out the requirements of this Chapter
19 following the requirements of Chapter 9 of Title 5 of the Guam Code
20 Annotated, the Administrative Adjudication Law."

21 **Section 5. Severability.** *If any of the provisions of this Act or the*
22 *application thereof to any person or circumstance is held invalid, such*
23 *invalidity shall not affect any other provision or application of this Act*
24 *which can be given effect without the invalid provision or application, and*
25 *to this end the provisions of this Act are severable.*



Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

APR 05 2004

The 27th Guam Legislature
I MINA 'BENTE SIETE NA LIHESTURAN
155 Hesler Street
Hagåtña, GU 96910

The Committee on Utilities and Land, to which was referred Bill No. 183 (COR) "AN ACT TO ADD SUBSECTION 61616(l) TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND REENACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION," has had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

The Committee votes are as follows:

<u>7</u>	To Do Pass
<u>0</u>	Not to Pass
<u>0</u>	Abstain
<u>0</u>	Inactive File

A copy of the Committee Report and other pertinent documents are attached for your immediate reference and information.

Sincerely,

vicente (ben) c. pangelinan
Speaker & Chairman of the Committee on Utilities and Land

enclosure

Committee on Utilities and Land
I Mina'Bente Siete Na Libeslaturan Guahan

VOTING SHEET ON

Bill 183 (COR): "AN ACT TO ADD SUBSECTION 61616(l) TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND REENACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION."

COMMITTEE MEMBER	INITIAL	TO PASS	NOT TO PASS	ABSTAIN	INAGITIVE FILE
vicente (ben) c. pangelinan Chairman	<i>V</i>	<i>✓</i>			
Carmen Fernandez Vice Member Chair	<i>C</i>	<i>✓</i>			
Frank Aguon, Jr. Member	<i>F</i>	<i>✓</i>			
Randy Cunliffe Member	<i>RC</i>	<i>✓</i>			
Lou Leon Guerrero Member	<i>LLG</i>	<i>✓</i>			
Rory Respicio Member	<i>RR</i>	<i>✓</i>			
Toni Sanford Member	<i>TS</i>	<i>✓</i>			
Joanne Brown Member					
Mark Forbes Member					
Ray Tenorio Member					

Committee on Utilities and Land
I Mina Bente Siete Na Libeslaturan Guahan

REPORT ON

BILL 183 (COR)

“AN ACT TO ADD SUBSECTION 61616(I) TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND RENEACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION.”

Public Hearing

The Committee on Utilities and Land, to which was referred **Bill 183 (COR)**, “AN ACT TO ADD SUBSECTION 61616(I) TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND RENEACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION,” conducted a public hearing on Monday, September 29, 2003, at the Guam Legislature Public Hearing Room. Speaker vicente (ben) c. pangelinan conducted the legislative hearing as Chairman on Utilities and Land. Also in attendance were Sen. Lou Leon Guerrero, Sen. Lawrence Kasperbauer, Sen. Robert Klizkie, and Sen. John Quinata.

Summary of Testimonies

Speaker/Chairman: Next bill on the agenda is Bill 183... We have Mr. Chris Felix... the Guam Association of Realtors had signed in... I guess earlier this morning. I'm not sure if he's still out there. If he is not, he had indicated that he would favor the passage of Bill 183... and Mr. Rufo Lujan... I guess... who is making his way. Bill 183 would establish guidelines for allowing the Director of the Department of Land Management limited discretion authority in approving minor set back variances for residential uses and to repeal and reenact Part 5 of Chapter 61 of Title 21, GCA, relative to establishing fees schedule on revolving fund of the Guam Land Use Commission. Sen. Lujan?

Mr. Rufo Lujan: Thank you for ah...I guess for the confidence.

Speaker/Chairman: Soon as you run as a Democrat again.

Mr. Rufo Lujan: Thank you, Mr. Chairman and members of the Committee. I'm here today at the request of certain people representing certain people...the ancestral landowners...because they heard that the Department of Land Management made certain change that is affecting...that is incorporated into this bill. However, after reading the bill, the concerns I was told about are not within this bill. However, since those concerns were expressed, I would like to express to the Committee so that the Committee is aware of it. And one is that when ancestral lands are returned to the estate...when the family members try to record it, they're turned away. They're told that they [need] a letter of administration in order to be able to record that...you know that's not the purpose of recordation. Recording, recordation...is to protect the interest of the property owner and in the case of ancestral lands, that's the estate of who ever the original landowner is. The letter of administration should be required when it come to distribution of the estate and that's already in the law. The other concern that was expressed to me is that Land Management is proposing to include a \$200 fee to be tacked on to any survey application, and the ancestral land owners are very concerned with this because this is making it more expensive...you know, for them to get their property back. On top of that other cost, it would take to distribute that property they already have to probate it and they have to have a perimeter survey. And then after they go to court for the distribution it has to be surveyed again you know in to whatever the courts approve as the final distribution of the estate...so they're concerned that this is adding additional cost to the distribution of the property. ...And as I stated in my prior testimony, I think the timing is bad. In fact, Land Management is doing that... However, now I would go to the bill itself.

I got problems with this...with this...because the Department of Land Management, specifically the Director of Land Management, is the secretarial for the Guam Land Use Commission. As such, he must include in this budget the expense that is required by the Commission to function if the Commission is not provided any money to function then. Somebody should call the Director of Land Management before this body and ask him why it did not provide because that's his legal responsibility as the secretariat... he's the Executive Director for the Land Use Commission, and as such, you know the operation cost must be budgeted under the department's budget. Also, the creation of a new fee here is going to incur additional burden on the public. Now, you know you're talking about fees... and fees...whenever you talk about fees, that means that something is going establish. Right now, they have application fee so what other fees are going to be established? I know that you provided for the Director of Land Management to comply with Triple A. But how many people, you know, when you try to implement regulations...how many people actually attend and how many people are aware of the impact? ...not too many, and so people are going to be coming to you to complain that we didn't know about this, and now, this is going to be additional expense for us. Also some of the...I guess, provisions of this bill need to be explained...practical difficulty is already defined in law—in the zoning, law and I'll give you an example:

If I own a piece of property that is sloping especially the back portion, then the law already provides... That I...you know...I can build almost to the lot line in front because of

practical difficulty in the rear portion of my lot... Ok, that's already provided in law. Non-conforming U.S. determination appearing within an appraiser's report...the question here is why did this happen? If every building application is to be reviewed by the building official, then this should not happen because that building official as part of his review must look at compliance with the zoning law. In other words, when a person...and...applies to construct a house, they must plot a plan, and that plot plan will the footprint of the building itself and then, they must review the set back for the front, for the sides and for the rear, if it does not...then it doesn't get approved. It must get returned to the contractor...the contractor could...the necessary change to bring that into compliance with the zoning law. I got a note here cause I just reviewed this just this morning...is that...if this happens, then you have to blame the building...his job. When I sat on the Land Use Commission, I tried to get the Attorney General to investigate the building official because a lot of this violations of the zoning law occur. In fact, we went out and conducted an inspection tour once...and we found out violations after violations...in fact, we [found] out an apartment complex...it's a 16-unit apartment complex that was never applied for. They never applied for construction an apartment, yet you have this...that's occupied and this building had water, power telephone...you know...how did they get their occupancy permit? And a very good a example is when we had that earthquake and the hotel collapsed because some building official...you know...didn't [do] his job. One of these day, somebody going to sue the Government for liability and I'm surprised that the government has not been sued yet.

On another one...here the variances, it says that when these people apply for FEMA, they find out that there is violation and that noted in the reports. ...now variances...and that they have to come back and try to correct this now by applying for a variance. Again, if the building official...his or her job...then this problem should have not occurred. The other problem, too, you have a law on the books, which permits a homeowner to expand that house by 25% without applying for a building permit. Let's say that I have hundred thousand dollar home...I make an addition to my house. In compliance with which is a hundred twenty thousand dollars...but the following year, I could make another amendment...another addition to my house because there is no limit on the additions that I could make to my house as long as I stay within that 25%. And I say year...normally, the lifespan of a building permit is one year...that building permit...when you apply for a building permit, it's good for one year. If variances occur prior to the start of a construction, then that should...that construction...in the case of the example mentioned for FEMA, these are variances that occurred that are violations of the law...and this person must now come back to correct this in order for them...get the...I guess FEMA or SBA loan application approval. Also, by putting...by giving the variance approval to the Director even though you put some limitation on his authority, you're subjecting this to politics. A director is a political animal...he is just not an elected political animal, but he is a political, nevertheless because he has to be responsive and countless of who made the appointment.

One of the provisions here in the...I guess, limitations on the authority is that...and this is number eight. It says all actions by the Director in determination of a variance pursuant to this subsection shall be reported to the Commission at the next scheduled meeting. You know in reality how often is this enforced again. It has to go back to the building official because the building official is the enforcement arm of the Guam Land Use Commission. It is not the Director of Land Management...it is the building official which is located at Public Works. On Section 3 on fees, what this is...is giving carte blanche authority to the Director

of Land Management to set fees. The problem here that you did not identify or to enumerate... the service or the fees to be establish... you need to do that. Like, you know, if this is for an application for a zoning variance, then you know the fee for the zoning variance or if it's for rezoning the fee... for rezoning. Also, under the Guam Land Use Commission Revolving Fund, you provided an exemption for this Commission from the government procurement procedures and I think that is the only commission that is exempted that. So what this does is set a dangerous precedent because now that you've open the door, you are going to have the other boards and commission that are entitled to collect or to set fees... probably coming in to ask for the same thing. If you grant it to one, then you must grant it to all; otherwise, that authority is arbitrary... it must be applied to the system. I would recommend that this be taken out... if again... since the director of Land Management is the executive secretary and provides administrative support... if the fees... if they have to buy equipments or supplies... then it's the director that buys this... what this does is to create a new system altogether... you're giving this Land Use Commission authority that no other board or commission has. And for that, I would have to say that I am against, you know, Bill 183. ... And I hope that you take into consideration the comments that I made regarding some of the concerns that have been raised by ancestral landowners. Thank you for the opportunity to testify.

Speaker/Chairman: Thank you very much, Mr. Lujan? Sen. Quinata?

Sen. John Quinata: Thank you, Mr. Speaker. Mr. Speaker, you know I take a lot of the comments and the recommendations from my good Uncle Rufo since he's also a been a part of the Land Use Commission before. But the reason why we put this bill together is... there is a lot of homeowners out there that need to go through refinancing and also go through FEMA and SBA... to have their properties, I guess, go through the process of getting their loans through FEMA and also through SBA... and also the re-mortgaging... At one time, you have homeowners that had their mortgage loans at 9%, ten, eleven, twelve... and now, they want to get it back down to where it's at 5% and because of their variances of their homes... from their homes that were built before zoning laws were passed. Or because of building officials that didn't do their jobs now... they're not able to re-mortgage their property because of that... so the main the reason why we put this together is to give that, those opportunities for those homeowners that are trying to re-mortgage their property and also get it repaired through typhoon damages as a result of Pongsona and Cha'taan.

Speaker/Chairman: Thank you very much, Sen. Quinata. Sen. Leon Guerrero... Sen. Forbes... Sen. Klizkie... Sen. Kasperbauer?

Sen. Larry Kasperbauer: I just like to commend Mr. Lujan for putting in so much time for all these public hearings and then being here all day... it's that kind of public hearings... meaningful... and especially when you have a family situation here, where it's uncle v. nephew on a bill. I think we really get at some real issues here so I just want to... Mr. Speaker... commend Mr. Lujan for coming down today. Thank you.

Mr. Rufo Lujan: Can I make one last comment, Mr. Speaker? You know, perhaps the problem here is to try to change the system so that it's user friendly. It's always bothered me to go before the Land Use Commission... you have to hire a consultant. In fact, a lot of people are befuddled by the process... so that they can't do it themselves... they end up

hiring a consultant which adds to the cost...so perhaps it's time that the system...so that it becomes user friendly...so that the average...the ordinary citizen, you know, can take it on his or herself to be able to apply and take this, you know, the application process through the system.

Speaker/Chairman: I think that was one, at least certainly was one of my intentions. When you know I introduced the bill that put together the one-stop permit center...would be to have a single place like you say, you know, the average citizen can go in there...make sure that he complies with laws and the people there are there to advise him in that process. We've seen that work and kind of push and pull in terms of that working. But I think what's happen...we need to address out there...is freshly evident now...is that sometimes they make these few changes. Or as a case I'm familiar with, everything was done according to the plans and the building permits and everything else. But when their neighbor came and built and they resurvey the property, the property lines were wrong so they ended up having to come two feet...this way, which now made the person who originally complied with everything, now he's two feet encroaching or two feet short on a set back. He becomes non-conforming when he went to refinance...so there are some of those things that occur that are not intentional...but I also as you say there are some of instances where the contractor had a good relationship with the building inspector and say "o'mbere 'ya, I'm just going to move this a little bit this way." In the end when he moved it that way—the building becoming non-conforming. And so these individuals are now caught up where it's not as...there's really not much harm to both neighbors or if both neighbors agree...but they're not able to take advantage of some of the things that they need to do with regards to their property...and they kind of lose control over their property in terms of being able to mortgage...being able to refinance it...send kids to college or even a medical emergency off island. They go to take a loan on it...the bank comes out...accesses it...they find that "oh my God, we can't do anything at all because it's nonconforming." So we only wanted to do something that is very narrow in that respect and make so that there is now incentive where you say to comply with the law...because somewhere along the line, the Legislature is going to come in and fix it.

Mr. Rufo Lujan: And I understand that Mr. Speaker because I am familiar with the problems up at Ligan.

Speaker/Chairman: Yes.

Mr. Rufo Lujan: When Ligan was constructed, that was rushed so that the surveys...you know...the meets and bounds are close. They do not close...ok...so you got problems there also... I hope that surveyor, I guess, who encroached into the neighbor's property is no longer practicing.

Speaker/Chairman: We hope or he's being hired by a whole lot of other people.

Sen. Mark Forbes: Mr. Chairman, Sen. Klizkie whispered in my ear we should thank Mr. Lujan for keeping the government in check.

Speaker/Chairman: Thank you very much. *Si Yu'us Ma'ase*. That's the last agenda on the hearings. Thank you very much to everyone. *Si Yu'us Ma'ase, tudos*.

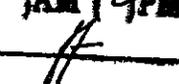
Findings and Recommendation

The Committee on Utilities and Land, to which was referred **Bill 183 (COR)**, "AN ACT TO ADD SUBSECTION 61616(I) TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND RENEACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION," recommends that the legislation be passed.

DEPARTMENT OF LAND MANAGEMENT
(Dipåttamenton Manmanehan Tarró)
GOVERNMENT OF GUAM
(Gobietnon Guahan)

Office of the People's Speaker
vicente (ben) c. pangelinan

SEP 26 2003

TIME: 2:20 | 1 AM | 4 PM
RECEIVED BY: 



FELIX P.
CAMACHO
GOVERNOR OF GUAM

KALEO S. MOYLAN
LIEUTENANT GOVERNOR
OF GUAM

FELIXBERTO R.
DUNGCA, JR.
DIRECTOR

September 29, 2003

Vicente (ben) C. Pangelinan, Speaker
Mina'Bente Siete Na Liheslaturan Guåhan
Chairman, Committee on Utilities and Land
155 Hesler Street
Hagåtña, GU 96910

Re: DLM Testimony: Bill 135 (COR) and Bill 183 (COR)

BUENAS! Thank you for the opportunity to comment on the above bills. Our position and comments are as follows:

BILL 135 (COR) - Land Planning Review, Analysis, Comments and Position Attached.

BILL 183 (COR) - Land Planning Review, Analysis, Comments and Position Attached.


FELIXBERTO R. DUNGCA JR.
Director, Department of Land Management

Attachment

Cc: Planning Division

Street Address:
855 South Marine
Drive,
Anigua, Hagåtña

Mailing Address:
P.O. Box 2950
Hagåtña, Guam
96932

E-mail Address:
land@gov.gu

Telephone
671-475-LAND

Facsimile
671-477-0883



SUBJECT : Testimony on Bill 183 (COR)

Re: AN ACT TO ADD SUBSECTION 61616(I) TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REAL AND REENACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION.

Section-By-Section Review, Analysis and Comments:

Section 1- DLM supports the general intent of this section;

Section 2- The Department understands the dilemma confronting numerous property owners who currently do not meet the minimum setback requirements, as well as the history that created the "nonconforming situation". If it is the intention of the Legislature to address these situations through legislation, the department will not oppose it, however, we have some serious concerns about the language on Section 2 as it stands.

We are therefore requesting additional time to submit proposed language to this section that will comply with the legislative policy and intent, and at the same time ensure that the objective is accomplished administratively.

The department will be officially submitting proposed language to this section NO LATER THAN OCTOBER 10, 2003

Section 3- The department fully supports the intent of this section and expresses our appreciation to the Committee for recognizing our shortfalls and their willingness to assist us through this proposed legislation.



DEPARTMENT OF LAND MANAGEMENT
(Dipåtamenton Manmanehan Tano')
GOVERNMENT OF GUAM
(Gobietnon Guahan)

October 14, 2003

FELIX P. CAMACHO
GOVERNOR OF GUAM

The Honorable Senator vicente (ben) c. pangelinan, Speaker
Chairman, Committee on Utilities and Land
I Mina' Bente Siete Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

KALEO S. MOYLAN
LIEUTENANT GOVERNOR
OF GUAM

FELIXBERTO R. DUNGCA, JR.
DIRECTOR

SUBJECT: Department of Land Management Testimony
Re: Bill 183 (COR)



BUENAS! Thank you for the opportunity to comment on the above bill. Our position and comments are as follows:

BILL 183 (COR) – *Land Planning Review, Analysis, Comments and Position attached.*

Sensaramente,

Street Address:
850 South Marine Drive,
Anigua, Hagåtña

JOSEPH C. SANTOS
Director (Acting)

Spouse of the People's Speaker
vicente (ben) c. pangelinan

Mailing Address:
P.O. Box 2950
Hagåtña, Guam
96932

OCT 15 2003

Attachment

TIME: 9:30 AM (1) PM
RECEIVED BY:

E-mail Address:
dlm@mail.gov.gu

Cc: Planning Division

Telephone
671-475-LAND

Fascimile
671-477-0883



SUBJECT: Testimony on Bill 183 (COR)

RE: AN ACT TO ADD SUBSECTION 61616 (I) TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND REENACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION.

The Department understands the wisdom of Legislative Bill 183 (COR) to streamline the actions of the Guam Land Use Commission relative to Zone Variances for yard setback. However, a Zone Variance in itself is an exception to the law and should rest with the body delegated to carry out this policy. The body granted that authority by the *Liheslaturan Guåhan* is none other than the Guam Land Use Commission.

At present, the Planning Staff is conducting a Findings of Facts Recommendation Paper to the Commission on the issues of yard setbacks and its historical implications to the overall land use objective of the Island. This direction should allow the "exception" to right-size itself. In addition, the *Liheslaturan Guåhan* granted the Guam Land Use Commission the authority to allow blanket exceptions by policy.

As a matter of record, most of the Zone Variance applications for yard setback that are acted upon or scheduled for Commission action are applications that are financially self-interest and in most cases have outright violated our land use laws. To grant these individuals another mechanism for expeditious resolution rewards their illegal action and further degrades our quality of life. This was not the intent of the Zoning Law as authorized by the *Liheslaturan Guåhan*.

Nevertheless, the Department lauds the *Liheslaturan Guåhan* on its initiative to address this subject and also allow for the implementation of a revolving fund in support of the Guam Land Use Commission. Therefore, the Department supports Section 3 to create a ***Guam Land Use Commission Revolving Fund***.

The Department defers to the wisdom of *Liheslaturan Guåhan* on its intent and vigor to assist the people of Guam.



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and Land
Chairman

SEP 19 2003

Felixberto Dungca Jr.
Director, Department of Land Management
One-Stop Bldg. Anigua
P.O. Box 2950
Hagatna, GU 96932

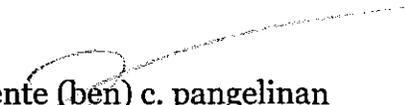
Dear Mr. Dungca:

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on September 29, 2003, Monday, at 9:00 a.m. in the Public Hearing Room, Guam Legislature Building, on the following bills:

- o **Bill 135 (COR):** AN ACT TO REZONE LOT NO. 9-1 AND LOT NO. 9-2-R1, TRACT 284, DEDEDO, FROM R-2 TO COMMERICAL.
- o **Bill 183 (COR):** AN ACT TO ADD SUBSECTION 61616(I) TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND RENEACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION.

Your testimonies on Bill 135 and Bill 183 would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

SEP 19 2003

Joseph Borja
Chairman, Guam Land Use Commission
Department of Land Management
One-Stop Bldg. Anigua
P.O. Box 2950
Hagatna, GU 96932

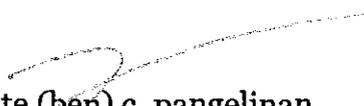
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Your testimonies on Bill 135 and Bill 183 would be greatly appreciated. I look forward to seeing you at the hearing.

Sincerely,



vicente (ben) c. pangelinan
Speaker & Chairman on Committee on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

SEP 19 2003

Douglas Moylan, Esq.
Attorney General
Department of Law
Dipattamenton Lai
120 W O'Brien Drive
Suite 2-200E
Hagatna, GU 96910

Dear Mr. Moylan:

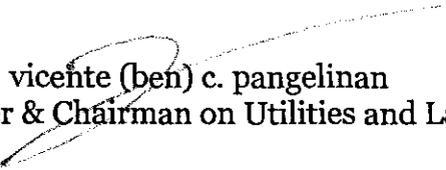
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- **Bill 104 (COR):** AN ACT TO EARMARK THE PROCEEDS OF THE SALE OF GTA TO THE DEPARTMENT OF EDUCATION.
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THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT
LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR
SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND
RENEACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE
AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION.

Your comments and suggestions on any of the above-referenced matters
are greatly appreciated.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on Utilities and Land



Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

SEP 19 2003

The Honorable Felix Perez Camacho
I Maga' Lahen Guahan
Office of the Governor of Guam
Adelup, GU 96932

Dear Governor Camacho:

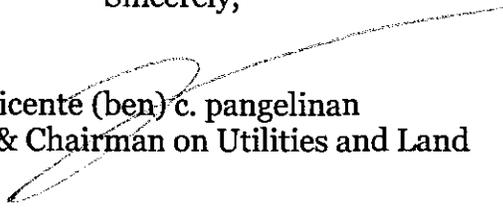
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RENEACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE
AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION.

The appropriate government agencies are invited to testify on the
aforementioned items.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on Utilities and Land

cc: Lt. Governor



Mina' Bente Siete Na Liheslaturan Guåhan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

SEP 19 2003

MEMORANDUM

TO: Chairwoman, Committee on Rules
Executive Director, Guam Legislature

FROM: vicente (ben) c. pangelinan, Speaker
Chairman, Committee on Utilities and Land

Subject: Use of Public Hearing Room

Please be advised that the Committee on Utilities and Land has scheduled a Public Hearing on Monday, September 29, 2003, at 9:00 a.m. in the Public Hearing Room, Guam Legislature Building, on the following items:

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cc: Protocol
Audio & Video Section



Mina' Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Committee on Utilities and land
Chairman

SEP 19 2003

MEMORANDUM

TO: All Committee Members

FROM: vicente (ben) c. pangelinan, Speaker
Chairman, Committee on Utilities and Land

SUBJECT: Public Hearing scheduled for 09/29/03

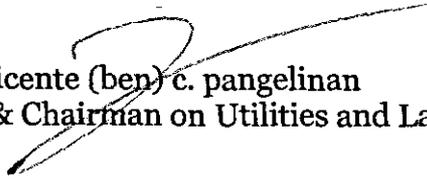
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Your presence will be greatly appreciated.

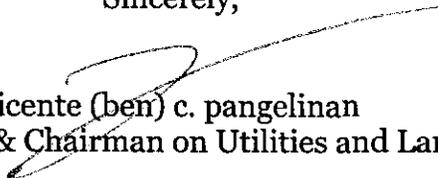
Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on Utilities and Land

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Your presence will be greatly appreciated.

Sincerely,


vicente (ben) c. pangelinan
Speaker & Chairman on Utilities and Land



Mina 'Bente Siete Na Liheslaturan Guahan

vicente (ben) c. pangelinan
Speaker

Office of the People
Chairman, Committee on Utilities and Land

PUBLIC HEARING

9:00 am, Monday, September 29, 2003

AGENDA

Bill 97 (COR): AN ACT TO EXTEND THE MORATORIUM ON THE GUAM WATERWORKS AUTHORITY RATE SURCHARGE OF 11.5%.

Bill 104 (COR): AN ACT TO EARMARK THE PROCEEDS OF THE SALE OF GTA TO THE DEPARTMENT OF EDUCATION.

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The hearing will take place at the Guam Legislature Public Hearing Room located in Hagatna. Individuals requiring special accommodations, auxiliary aids or services are asked to contact the Office of Speaker vicente (ben) c. pangelinan @ 472-3555/4/2.

Written testimonies may be submitted in advance of the Public Hearing date. Testimonies may be faxed at 472-3556 or electronically sent at senben@kuentos.guam.net or a form may be filled out at www.guam.net/com/senben.

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Mina "Beate" Siete Na Lahaletaran Onahan
Speaker, Chairman, Committee on Utilities and Land

Public Hearing
9:00 a.m., Monday, September 22, 2008
AGENDA

- **SB 97:** AN ACT TO EXTEND THE MORATORIUM ON THE GUAM WATERWORKS AUTHORITY RATE SURCHARGE OF 11.5%.
- **SB 104:** AN ACT TO EARMARK THE PROCEEDS OF THE SALE OF GTA TO THE DEPARTMENT OF EDUCATION.
- **SB 105:** AN ACT TO ADD NEW §§115, §125, AND §141F OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO A REQUIREMENT FOR GTA, GPA, AND GWA TO ACCEPT PAYMENTS, INSTALLATION APPLICATIONS AND SERVICE REQUESTS VIA THE INTERNET.
- **SB 106:** AN ACT TO REZONE LOT NO. 3-1 AND LOT NO. 2-1, TRACT 284, DEDEDO, FROM R-2 TO COMMERCIAL.
- **SB 107:** AN ACT RELATIVE TO AMENDING §1961 OF TITLE 12, GUAM CODE ANNOTATED, TO ALLOW QUALIFIED GOVERNMENT OF GUAM EMPLOYEES THE OPPORTUNITY TO SERVE AS MEMBERS OF THE CONSOLIDATED COMMISSION ON UTILITIES.
- **SB 108:** AN ACT TO ADD SUBSECTION (b)(1)(A) TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND REENACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION.

The hearing will take place at the Guam Legislature Public Hearing Room located in Hagåtña. Individuals requiring special accommodations, auxiliary aid or services are asked to contact the Office of Speaker viceminister c. panglossan @ 472-3553/472. Written testimonies may be submitted in advance of the Public Hearing date. Testimonies may be faxed at 472-3556 or electronically sent to scbent@legis.gov.gu. A form may be filled out at www.guam.net/legis/bcn.
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Minis Depto. Sista Na Libeslaturan Guahan
Public Hearing
9:00 a.m. Monday, September 29, 2003
AGENDA

• **17: AN ACT TO EXTEND THE MORATORIUM ON THE GUAM WATER WORKS AUTHORITY RATE SURCHARGE OF 11.0%.**
• **18: AN ACT TO BARRACK THE PROCEEDS OF THE SALE OF GTA TO THE DEPARTMENT OF EDUCATION.**
• **19: AN ACT TO ADD NEW SECTIONS 8123 AND 1110 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING GTA, CPA, AND COWATO ACCEPT PAYMENT INSTALLATION APPLICATIONS AND SERVICE FEEL REQUESTS VIA THE INTERNET.**
• **20: AN ACT TO REZONE LOT NO. 3, LAND LOT NO. 5, TRACT 254, DEDEDO, FROM R-1 TO COMMERCIAL.**
• **21: AN ACT RELATIVE TO AMENDING 57101 OF TITLE 12, GUAM CODE ANNOTATED, TO ALLOW QUALIFIED GOVERNMENT OF GUAM EMPLOYEES THE OPPORTUNITY TO SERVE AS MEMBERS OF THE CONSOLIDATED COMMISSION ON UTILITIES.**
• **22: AN ACT TO ADD SUBSECTION 61160 TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND REENACT PART 3 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVENUE FUND FOR THE GUAM LAND USE COMMISSION.**

The hearing will take place at the Guam Legislature Public Hearing Room located in Hagafña. Individuals requiring special accommodations, auxiliary aid or services are asked to contact the Office of Speaker Vicente (Ben) C. Pangelinan @ 472-3537/4723538.
Written testimony may be submitted in advance of the Public Hearing date. Testimonies may be faxed at 472-3536 or electronically sent to benpangelinan@guam.net, or a form may be filled out at www.guam.net/guam/legishear
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Committee on Utilities and Land
 Monday September 29, 2003

Public Hearing for Bill No. 183 (COR)

“AN ACT TO ADD SUBSECTION 61616(I) TO CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE GUAM LAND USE COMMISSION TO ESTABLISH GUIDELINES ALLOWING THE DIRECTOR OF THE DEPARTMENT OF LAND MANAGEMENT LIMITED DISCRETIONARY AUTHORITY IN APPROVING MINOR SETBACK VARIANCES FOR RESIDENTIAL USES AND TO REPEAL AND REENACT PART 5 OF CHAPTER 61 OF TITLE 21 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A FEE SCHEDULE AND REVOLVING FUND FOR THE GUAM LAND USE COMMISSION. “

	Present	Absent	Off-Island	Excused
vicente (ben) c. pangelinan	✓	_____	_____	_____
Carmen Fernandez	_____	_____	_____	_____
Frank B. Aguon, Jr.	_____	_____	_____	_____
Lou Leon Guerrero	✓	_____	_____	_____
Rory Respicio	_____	_____	_____	_____
Toni Sanford	_____	_____	_____	_____
Joanne Brown	_____	_____	_____	_____
Mark Forbes	_____	_____	_____	_____
Randall Cunliffe	_____	_____	_____	_____
Ray Tenorio	_____	_____	_____	_____
<hr/>				
Larry Kasperbauer	✓	_____	_____	_____
Robert Klizkie	✓	_____	_____	_____
Jesse Lujan	_____	_____	_____	_____
Tina Muna-Barnes	_____	_____	_____	_____
John Quinata	✓	_____	_____	_____

Attending Staff

Karen Quitlong ✓ Roque Aguon ✓ Frances Flores _____
 Ed Pocaigue ✓ Dan Ybarra ✓